

Socket No.: 041-1790E

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Takayuki SUGAHARA

Serial No. 09/469,499

: Group Art Unit: 2613

filed: 22 December 1999

: Examiner Y. Lee

For: REPRODUCTION APPARATUS AND METHOD FOR PROVIDING USER
MODIFIABLE PROTECTION OF DATA REPRODUCTION

PETITION TO RESET A PERIOD FOR REPLY DUE TO NON-RECEIPT OF OFFICE
ACTION

Assistant Commissioner for Patents
Washington, D. C. 20231

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APR 22 2002

Technology Center 2600

Sir:

Applicant respectfully requests that the Office Action that was mailed on July 30, 2001 be remailed and the period restarted since the Office Action was never received.

In support of this request the following is submitted:

STATEMENT OF THE FACTS INVOLVED

The present Application was filed on March 21, 2001, as a CPA of Application Serial No. 09/469,499.

The CPA Request included an **EXPLICIT REQUEST** to **CHANGE THE CORRESPONDENCE ADDRESS**.

The new correspondence address was identified as being the law firm of the undersigned at 1750 K Street, N.W., Suite 600, Washington, D.C. 20006.

In a telephone discussion on March 29, 2002, between Israel Gopstein, an attorney of record in this case, and the clerical staff of Group Art Unit 2613, it was discovered that an Office Action was allegedly mailed on July 30, 2001.

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Rose
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Although an Office Action was purportedly mailed in July, 2001, the Office Action was never received at the offices of undersigned, nor by undersigned practitioner, nor any other practitioner at the law firm of the undersigned. Undersigned practitioner further attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received by anyone at this office.

Non-receipt of the Office Action is supported by the accompanying Declaration of Ms. Marcia Harrold, docket clerk for the firm of record.

A further telephone discussion occurred on April 16, 2002 between the undersigned and Examiner Lee. In this telephone discussion, Examiner Lee stated that he is in possession of the case, it has not been abandoned, and that Applicant should file a Petition to have the Office Action remailed.

RELIEF REQUESTED

Inasmuch as the accompanying Declaration and the foregoing statement of undersigned practitioner have made it clear that the Office Action in question was not received, Applicant courteously requests that the Office Action of July 30, 2001 be mailed to the address listed below together with an identification of the appropriate period of response thereto.

In the event that the above-captioned patent application is considered to be abandoned by the Patent and Trademark Office, this Petition is remade as a Petition under 37 CFR 1.181(a)(3) to invoke the supervisory authority of the commissioner and withdraw holding of any such abandonment. Applicant submits the showing required by

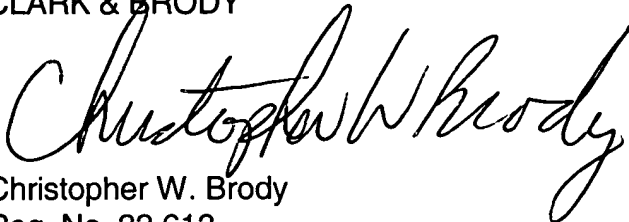
Serial No. 09/469,499

MPEP §711.03(c) II. is met by the statements and attachments herein, and withdrawal of an abandonment of this application is in order.

Finally, any fees due in connection with either of the Petitions set forth above should be charged to deposit account no. 50-1088.

Respectfully submitted,
CLARK & BRODY

By


Christopher W. Brody
Reg. No. 33,613

1750 K Street, NW, Suite 600
Washington, DC 20006
Telephone: 202-835 1753
Facsimile: 202-835-1755
Docket No.: 041-1790E
Date: April 19, 2002

Docket No.: 041-1790E

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takayuki SUGAHARA

Serial No. 09/469,499

Filed: 22 December 1999

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: Group Art Unit: 2613
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: Examiner Y. Lee
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For: REPRODUCTION APPARATUS AND METHOD FOR PROVIDING USER
MODIFIABLE PROTECTION OF DATA REPRODUCTION

DECLARATION OF MARCIA HARROLD

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

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APR 22 2002

Technology Center 2600

I, Marcia Harrold, hereby declare as follows.

1. I am employed by the law firm of Clark & Brody;
2. I am the docketing clerk of the law firm of Clark & Brody;
3. My duties as the docketing clerk include receipt of all documents from the Patent and Trademark Office, review of such documents to identify any patent application associated therewith and to ascertain the nature of the received document as well as whether or not a response or other action is required thereby.
4. Upon identifying that a document received from the Patent and Trademark Office relates to a particular patent application and that a response thereto is required, I enter scheduling information relating to the document and to the required response into the firm's computerized docketing system.

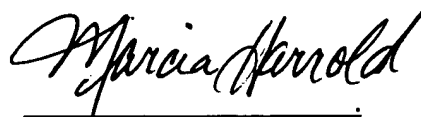
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4/29/02

5. I also manually enter the docket number of the application and the nature of the required response in a docket book situated on my desk.
6. My docket book is a one year calendar, having one page for each day of the year. When I enter a docket number and required response in the docket book, I enter the information on the page provided for the due date of the response.
7. Upon entering into the docketing system information identifying, *inter alia*, the nature of a received document from the Patent and Trademark Office, the docket number of the relevant patent application to which the document relates, and the date the document was mailed by the Patent and Trademark Office, the docketing system computes appropriate response dates and enters such dates into a record displayed to me as a table describing the patent application identified by the docket number and, *inter alia*, storing and displaying the due date for responding to the document as well as permissible extensions from that date.
8. In the normal course of my employment, prior to closing the displayed record, I verify that the information has been entered and is displayed in the record of the patent application identified by the document received from the Patent and Trademark Office. I have never observed the firm's computerized docketing system fail to provide proper scheduling for an Action entered into the system.
9. If an Official Action mailed July 30, 2001, had been received, the firm's computerized docketing system would show a response due date of October 30, 2001.
10. Exhibit A is a biweekly docket report for Israel Gopstein, the attorney primarily responsible for prosecuting the above-captioned application, which was printed in the

week preceding the onset of the reported docket period. This report does not show any response due for October 30, 2001, in Application Serial No. 09/469,499.

11. Attached Exhibit B is a photocopy of the page in my docket book for October 30, 2001.
12. I am the only individual entering scheduling data related to correspondence from the Patent and Trademark Office into, or modifying such scheduling data stored in, the firm's computerized docketing system or in my docketing book.
13. Based on Exhibits A and B, I declare that I have never received any document, or entered any data, relating to any Office Action in the above identified application which may have been mailed on July 30, 2001.
14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon

Respectfully submitted,

A handwritten signature in cursive script, reading "Marcia Harrold". The signature is written in dark ink and is positioned above a horizontal line.

Marcia Harrold

ISRAEL GOPSTEIN WEEKLY PATENT REPORT
OCT. 26 - NOV. 26, 2001

Action	Docket No.	Due Date	Taken Date	Dead Date	Title	Country	SN
Issue fee/ Drawings-1mth remind	041-1972A	27OC2001		27NO2001	Digital Broadcasting	USA	09/599,552
Response to provoke advisory action	041-1989	28OC2001			Improved Structure O	USA	09/003,752
Notice Of Missing Parts	041-1961A	29OC2001		29MR2002	Broadcasting System	USA	09/928,236
Info Discl. Statement	041-1894D	31OC2001			Information Filterin	USA	09/917,956
Issue Fee / Drawings Due	041-1968	31OC2001		31OC2001	Improved Isolation A	USA	08/938,704
Not. of missing parts - 4 ext.	041-1894C	03NO2001		03DE2001	Information Filterin	USA	09/779,838
Rejection response-1st ext	041-1987	03NO2001		03JA2002	Earphone	USA	09/003,812
Issue Fee Due	041-1925D	06NO2001		06NO2001	Wireless Communicati	USA	09/678,324
Issue Fee Due	041-1925F	06NO2001		06NO2001	Wireless Communicati	USA	09/677,566
Rejection response-final	041-1902B	08NO2001		08NO2001	Image Communicating	USA	09/040,277
Issue Fee/ Drawings Due	041-1969	09NO2001		09NO2001	Hyper-Text Document	USA	08/938,931
Rejection response-1st ext	041-2071	09NO2001		09JA2002	Apparatus For Retrie	USA	09/522,904
Info Discl. Statement	041-1961A	13NO2001			Broadcasting System	USA	09/928,236
Final rejection/ Not. of Appeal -1st ext	041-2006	16NO2001		16JA2002	Video Data Recording	USA	09/052,011
Restriction-1st ext	041-1620H	18NO2001		18MR2002	Medium, Apparatus, A	USA	09/796,534
Notice Of Missing Parts	041-1860	24NO2001		24AP2002	Method For Encoding	USA	09/925,423
Issue fee / Drawings-1mth remind	041-1935	26NO2001		26DE2001	Application Package	USA	08/915,665

